

**REMARKS**

Claims 1 and 29 have been amended to resolve issues raised by the Examiner under 35 U.S.C. 112, second paragraph, and in view of the recitations of claim 18. Claim 18 has been canceled accordingly.

Entry of the above amendment is respectfully requested.

**Restriction/Election**

On page 2 of the Office Action, the Examiner acknowledges Applicants' election of compound 4, and indicates that the elected species reads on claims 1, 4-7, 9-19 and 25-30, so claims 8, 20-24 and 31-54 are withdrawn from the consideration as non-elected species.

In response, Applicants submit initially that if the Examiner finds the elected species to be allowable, he should proceed to examine non-elected species to the extent necessary to determine patentability, pursuant to the provisions of MPEP 803.02.

Further, in regard to claims 31-54, Applicants note that these claims are apparently withdrawn based on restriction rather than election of species, since they include the elected species. Since claims 31-54 depend directly or indirectly on claim 1, Applicants respectfully request rejoinder of non-elected claims 31-54 upon a finding of allowable subject matter in elected claim 1, pursuant to the provisions of MPEP 821.04(a) and MPEP 821.04(b) as appropriate.

**Rejection under 35 U.S.C. 112, Second Paragraph**

On page 2 of the Office Action, claims 1, 4-7, 9-19 and 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

In response, Applicants have amended claims 1 and 29 so that the sum of  $q^1$ ,  $q^2$ ,  $q^3$ , and  $q^4$  is 1 or 2. Also, claim 29 has been amended to include a recitation for T, and it is noted that the variables mentioned by the Examiner are recited in the formula for T, which is part of formula IIIa, which is the A portion of formula I.

Thus, it is submitted that the claims satisfy the requirements of 35 U.S.C. 112, second paragraph, and withdrawal of this rejection is respectfully requested.

### **Anticipation Rejection**

On page 3 of the Office Action, claims 1, 4-7, 9-15 and 25-30 are rejected under 35 U.S.C. 102(b) as being anticipated by CAPLUS 1993: 672175.

The Examiner's position is that the reference discloses a polymerizable compound which anticipates the claimed formula I with A being formula IIIa ( $q^{1-4}=0$ ).

In response, Applicants note that the claims have been amended to recite that the sum of the integers  $q^1 + q^2 + q^3 + q^4$  is 1 or 2.

According to these amendments, Applicants submit that the present invention is novel in view of CAPLUS 1993:672175, and thus withdrawal of this rejection is respectfully requested.

### **Allowed Elected Compound**

On page 4 of the Office Action, the Examiner indicates that the elected compound 4 is allowed.

Applicants thank the Examiner for indicating that the elected compound 4 is allowed. In view of the above amendments and remarks, Applicants submit that the other compounds within

the scope of the present claims should be allowed as well, and thus allowance of the claims is respectfully requested.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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